



Osgoode Hall Law School of York University
Osgoode Digital Commons

Main Application (re: repatriation), May 2009

Abdelrazik v Minister of Foreign Affairs et al

7-16-2008

Affidavit of Jo Wood sworn 16 July 2008

Follow this and additional works at: http://digitalcommons.osgoode.yorku.ca/main_application

Recommended Citation

"Affidavit of Jo Wood sworn 16 July 2008" (2008). *Main Application (re: repatriation), May 2009*. 13.
http://digitalcommons.osgoode.yorku.ca/main_application/13

This Applicant's Record is brought to you for free and open access by the Abdelrazik v Minister of Foreign Affairs et al at Osgoode Digital Commons. It has been accepted for inclusion in Main Application (re: repatriation), May 2009 by an authorized administrator of Osgoode Digital Commons.

FEDERAL COURT

B E T W E E N:

ABOUSFIAN ABDELRAZIK

Applicant

-and-

MINISTER OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Respondent

AFFIDAVIT OF JO WOOD

I, JO WOOD, of the City of Ottawa in the Province of Ontario MAKE OATH AND SAY:

1. I am a resident of Ottawa and have been involved in campaigns for social justice and human rights for 20 years. To this end, I have been active since 2003 as an organizer for the Ottawa-based organization, *Nowar-Paix*, which promotes civil liberties and opposes racism and the attack on civil rights as a consequence of national security policies. I am also active in different Ottawa-based grass roots social justice organizations including the *Raging Grannies*, a group which promotes messages of peace, justice and social equality through satirical songs at public demonstrations.
2. I have followed with interest the case of Mr. Abousfian Abdelrazik as it has appeared in the media over the last several months. Accordingly, I swear the instant affidavit based on my interest and awareness of Mr. Abdelrazik's case and my commitment to the cause of social justice. The statements contained herein are based on my knowledge of Mr. Abdelrazik's case and my review of the documents attached to this affidavit.
3. This affidavit is being filed in support of an application in Federal Court to bring Mr. Abdelrazik back to Canada and for no other or improper purpose.

3. In January 2008, Mr. Abdelrazik applied to the Department of Foreign Affairs and International Trade for records pertaining to him under the *Privacy Act*. Under cover of letter dated January 17, 2008, a DFAIT official provided the Mr. Abdelrazik's solicitor with a CD-ROM containing images of documents responsive to the Applicant's request. A copy of the CD-ROM and cover letter are attached as **Exhibit "A"** to my Affidavit.

THE UNITED NATIONS SECURITY COUNCIL CONSOLIDATED LISTING

4. Only three days after Mr. Abdelrazik's release from prison in July 2006, the United States government added one "Abu Sufian Al-Salamabi Muhammed Ahmed Abd Al-Razziq" to its list of suspected terrorists. Then, another five days later, the United Nations' Al-Qaida and Taliban Sanctions Committee (also called the "1267 Committee", after UN Security Council Resolution 1267, which established it) also added "Abu Sufian Al-Salamabi Muhammed Ahmed Abd Al-Razziq", as well as several aliases of this person, to its Consolidated List of persons allegedly associated with Al-Qaida. A copy of the Applicant's listing on the United Nations' Consolidated List is attached as **Exhibit "B"** to my Affidavit.
5. In the fall of 2007, Mr. Abdelrazik solicited the Respondent's assistance to request that he be delisted by the 1267 Committee. On December 21, 2007, without providing any reasons, the 1267 Committee rejected Mr. Abdelrazik's delisting. A copy of that rejection and the transmittal letter from the Respondent is attached as **Exhibit "C"** to my Affidavit.

TEMPORARY SAFE HAVEN

6. On April 29, 2008, the Respondent granted Mr. Abdelrazik "temporary safe haven" to remain in the Canadian embassy in Khartoum. The terms governing this temporary safe haven are contained in a letter from the Respondent's legal counsel attached as **Exhibit "D"** to my Affidavit.

REPATRIATION OF OTHER CANADIANS

7. On May 1, 2008, a private aircraft chartered by the Government of Canada was used to repatriate Brenda Martin to Canada from Mexico. Ms. Martin

is a Canadian citizen who, unlike Mr. Abdelrazik, was criminally charged and convicted by a foreign court. News reports on the Brenda Martin case are attached as **Exhibit "E"** to my Affidavit.

8. In July and August 2006, the Government of Canada mounted a very large scale operation to repatriate about 14,000 Canadians from Lebanon, at public expense. The operation involved a large number of DFAIT and Canadian Forces staff. The Government of Canada leased seven ships to evacuate the Canadians from Lebanon, chartered a number of private aircraft, and made use of four Canadian Forces aircraft, which together flew 65 repatriation flights. The Prime Minister's even volunteered his personal aircraft to transport some of these Canadians back home. The total cost of repatriating these citizens was \$94 million. I draw these facts from the official press releases and backgrounders of the Government of Canada, and a Senate report on the repatriation operation, which are attached as **Exhibit "F"** to my Affidavit.
9. The Government of Canada possesses passenger aircraft which are capable of the flight from Khartoum to Canada. According to information on the Canadian Air Force website attached as **Exhibit "G"**, Canada possesses five CC-150 Polaris aircraft, which "are used to transport high-ranking government officials and foreign dignitaries, including the Prime Minister, the Governor General and members of the Royal Family, across Canada and around the world". CC-150 Polaris aircraft, including the Prime Minister's own, were used to repatriate Canadian citizens in the Lebanon evacuation operations of 2006, as discussed at paragraph 9 of my Affidavit. The CC-150 Polaris aircraft has a flight range (of 11,668 km) exceeding the great circle distance between Khartoum's airport and a number of eastern Canadian airports (e.g. Gander 8,510 km; Montreal 10,008 km; Ottawa 10,153 km). There also exist various small jet aircraft which can be chartered and which have sufficient range (e.g. the Gulfstream GV, which can fly over 12,000 km seating 8 passengers).

SUDAN'S HUMAN RIGHTS RECORD

10. The United Nations High Commissioner for Human Rights, Louise Arbour, appointed a Special Rapporteur to investigate the human rights situation in Sudan. Her report, which is attached as **Exhibit "H"** to my Affidavit, reads in part:

"The Special Rapporteur is deeply concerned at the numerous allegations she received about violations of pre-trial rights and ill-treatment of many of the detainees, both those who were released and those who remain in detention. Most of the detainees were initially held incommunicado, some for up to three months. Some

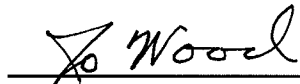
were held without charge for up to four and a half months and then released... The Special Rapporteur heard reports that individuals detained were subjected to methods of torture and ill-treatment that included being suspended from the ceiling by the arms or legs and being severely beaten on different parts of the body. Some were threatened that female relatives would be arrested and raped. Some defendants were also in poor physical and psychological condition; some could not stand up without supporting themselves and some bore clear marks of beatings and burns. She also heard reports that defendants were bribed or pressurized to incriminate other detainees and that some of the defendants gave confessions that were extracted under torture or other cruel, inhuman and degrading treatment."

11. The Respondent also has produced its own assessment of the human rights situation in Sudan. This report states that Sudan has "deplorable prison conditions" which includes "flogging in prisons", and accuses Sudan of "a deteriorating human rights record". A copy of the Respondent's human rights report on Sudan, which was obtained by Professor Amir Attaran under the *Access to Information Act* and shared with me, is attached as **Exhibit "I"** to my Affidavit.

Sworn before me at the
City of Ottawa in the Province of
Ontario on July 16, 2008

)
)
)


A Commissioner Etc.


JO WOOD